



REMARKS

The claims are now 1-8.

The rejections under 35 USC 112, second paragraph

(The following paragraphs are lettered to follow the examiner's)

- A) The words "obtainable by" are no longer present.
- B) Formulas (A) and (B), inadvertently omitted, has been inserted.
- C) The word "where appropriate" have been changed to the more acceptable "optionally."
- D) There is now antecedent basis for (B) per claim 5.

The rejections over prior art

The claims were rejected under 35 USC § 102 and/or § 103(a) over Armour (U.S. 3,433,701).or Bergmeister et al (U.S. 2,817,896).

Armour (US 3,433,701) discloses water-resistant polyvinyl acetate compositions wherein the aqueous polymer emulsions are obtained by polymerizing vinyl acetate and at least one comonomer in the presence of polyvinyl alcohol. The ratio of vinyl acetate to the comonomer, e.g., hydroxyethyl methacrylate, is said to range from about 80:20 to 100:0 (col. 3, lines 54-56). In other words, the vinylacetate amount is at least four times as large as the amount of the hydroxyl alkyl methacrylate.

To establish anticipation under 35 USC § 102, every element of claimed invention must be met by the reference without reference to any other source.

Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 USPQ 81, 90 (Fed.

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Cir. 1986), *cert. denied*, 480 U.S. 947 (1987) and *In re Arkley*, 172 USPQ 524 (CCPA 1972 (picking and choosing from a reference cannot anticipate.) To establish obviousness under 35 USC § 103(a), in order to establish a prima facie case, it is necessary that the reference be in the same field of endeavor as the claimed invention, *In Re Clay*, 966 F.2d 656, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) (Must be a field of endeavor which would have motivated the skilled worker to make the modification). Neither situation is present from the prior art cited by the examiner, at least with respect to the present claims.

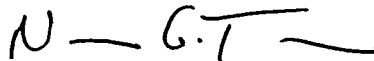
Accordingly allowance is respectfully solicited.

A check in the amount of \$410.00 is attached to cover the required two month extension fee.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "N - G. T -", with a horizontal line extending from the end.

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MARKED-UP VERSION SHOWING CHANGES MADE

Cancel claim 9.

Amend claim 1 as follows:

1. (currently amended) A water-soluble or water-dispersible copolymer obtainable
obtained by free-radical polymerization of a monomer mixture consisting
essentially of

- a) 80 to 20% by weight of hydroxy-C₁-C₆-alkyl (meth)acrylate and, ~~where~~
~~appropriate~~ optionally, one or more compounds of the formula (A) or (B)

with R¹ = H, C₁-C₆-alkyl,

R² = H, CH₃,

R³ = C₁-C₂₄-alkyl

or mixtures thereof

in the presence of

- b) 20 to 80% by weight of polyvinyl alcohol (PVA) and
c) ~~where appropriate~~ optionally 0 to 20% by weight of other polymerizable
compounds (C).

at least one other polymerizable monomer selected from acrylic and methacrylic acids are crotonic acid, mono(C₁-C₈)-alkyl maleates, maleic acid, fumaric acid, itaconic acid, (meth)acrylonitrile, ethylenically unsaturated (di(C₁-C₂₂)-alkyl dicarboxylates, ethylenically unsaturated sulfonic acids or sulfonic acid derivatives, acyclic N-vinylcarboxamides and N-vinyl lactams.